

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2004/003477

International filing date (day/month/year)
22.10.2004

Priority date (day/month/year)
24.10.2003

International Patent Classification (IPC) or both national classification and IPC
B65D75/58, B65D77/06

Applicant
INBEV S.A.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/003477

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/B2004/003477

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-7,9,10
	No: Claims	1,2,8
Inventive step (IS)	Yes: Claims	
	No: Claims	1-10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

1. The following document is referred to in this communication:

D1: PATENT ABSTRACTS OF JAPAN vol. 2003, no. 11, 5 November 2003
(2003-11-05) -& JP 2003 191971 A (DAIWA CAN CO LTD), 9 July 2003
(2003-07-09)

D2: PATENT ABSTRACTS OF JAPAN vol. 2002, no. 09, 4 September 2002
(2002-09-04) -& JP 2002 128102 A (FUJIMORI KOGYO CO LTD), 9 May
2002 (2002-05-09)

2. INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

"A bag (cf. fig. 1 element 1) suitable for containing an alcohol beverage comprising:

at least two panels having adjacently positioned edges forming at least one seam (cf. fig. 1 and paragraph 7), the seam having a joined seam portion where the adjacently positioned edges of the panels are joined together, and an open seam portion where the adjacently positioned edges of the panels are not joined together (cf. fig. 1 and paragraphs 7 and 9); and,
a bag neck molding (cf. fig 1 element 2) extending through the open seam portion, the bag neck molding being secured in sealing relation with the panels of the bag at the open seam portion (cf. paragraph 9), and the bag neck molding supporting a valve (cf. fig. 1 element 25) accessible for operation from outside the bag and supporting a spear (cf. fig. 1 elements 24 and 24') extending into the bag through which the beverage may pass."

Moreover, document D2 also discloses a bag according to the features of claim 1.

3 DEPENDENT CLAIMS 2-10

- 3.1 Dependent claims 2-10 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).
- i) The additional features of claims 2 and 8 are already known from document D1 (see fig. 1 and paragraphs 7 and 9).
- ii) Concerning dependent claims 3-7, 9 and 10 it is pointed out that the features of these claims appear to relate to minor constructional features which, insofar as not directly disclosed in the prior art, appear to relate to obvious modifications thereof. Such features will be selected and used by the man skilled in the art as and when he needs them, without any inventive thought being required. The subject-matter of these claims appear to be lacking in inventive step (Article 33(3) PCT).

Further observations

4. Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
5. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
6. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.

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